App. F. IX-4

1943-44 (Legis)

File No. 30-43.

Previous References.

Serial No. 1.

Later References.

90

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one only

Part B for

SUBJECT

The Mysore Coffee Market Expansion Bill, 1944

To the compiler mysore gazette
no: RL 508 /legis 30-43-1 dated 29-1-1944
Notifying the promulgation of mysore
coffee market expansion (Amendment)
Act 1944
as Act no 2 of 1944

for Secretary

29/1/44

urgent

In favour of formal. The connected file is in the dept.

The reply to this communication should be addressed to the Secretary [illegible] the Resident [illegible]galore, by [illegible] not by name.

No.D.F.594-40/G&A.

Section

Minister, Law & Dewan

27/8/41

(2)

FROM THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Secretary to the Government of His Highness the Maharaja of Mysore, Development Department, Bangalore.

Dated Bangalore, the 25th August *1941*

982

OFFICE OF THE MINISTER FOR LAW
AUG 27 1941
No 85 9

Coffee Market Expansion Ordinance, 1940.
Your letter No.Pol.2030/I&C.107-40, dated the 27th May 1941.

SIR,

In continuation of my letter No.D.F.594-40/G&A., dated the 30th June 1941, I am directed to state that the Government of India are in favour of the continuance of the Coffee Market Expansion Ordinance up to the 30th June 1942 on the expiry of its present term on the 31st August 1941. Details are under their examination and as soon as the new British Indian Draft Ordinance is ready, copies will be forwarded to the Government of Mysore for parallel action.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

R.I.

The reply to this communication should be addressed to the Secretary to the Resident Mysore, Bangalore, by designation and not by name.

Ld 394

URGENT. No. D.F.594-40/G&A

Subd in continuation with the previous letter.
Minister Law & Dewan
WD 27/8/41

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

Can a draft be sent for the Ordinance suitably amended

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department, Bangalore.

SECY. DEV. DEPT. 27. AUG. 1941 GOVT OF MYSORE

Ans sent
Legis
WD 28/8/41

Dated Bangalore, the 194 .

Coffee Market Expansion Ordinance, 1940.

Your letter No. Pol.2030/I&C-107-40, dated the 27th May 1941.

OFFICE OF THE MINISTER FOR LAW
AUG 28 1941
No. 1881

SIR,

In continuation of my letter No. D.F.594-40/G&A, dated the 25th August 1941, I am directed to state that information has since been received from the Government of India by telegram, that it has been decided to continue the coffee control scheme and that the amending Ordinance extending the Coffee Market Expansion Ordinance, 1940, up to the 30th June 1942 will be issued before the 31st August 1941. The principal changes in the amending Ordinance are:-

(1) the definition of the year to cover 12 months from July to June;

(2) downward extension of the control to include estates from 10 to 24 acres; and

(3) provision enabling inspection of the estates below 10 acres and imposing penalties for the sale by them of coffee which is not their produce.

2. Copies of the draft Ordinance will be forwarded by the Government of India as soon as they are ready and the date of introduction will be telegraphed by them.

3. The Government of India also propose to take up the question of replacing the Ordinance by suitable legislation

as

THE MYSORE COFFEE MARKET EXPANSION (Amendment) BILL.

Sir, I beg to move that the Mysore Coffee Market Expansion (Amendment) Bill be taken into consideration by the Council at once.

When the principal measure, to amend which the present Bill is brought forward, was introduced in the Council in December 1941, reference was made to the scheme to implement which legislation was undertaken in British India and Mysore. I do not propose to dwell on the scheme on the present occasion, except to say that legislation in Mysore is complementary to that in British India and a common Board operates in both the places.

Under the principal Act, provision was made for the grant of internal sale quotas to coffee estates in respect of a part of the yield of such estates. The Third Coffee Control Conference, which met some time ago, recommended that in the general interests of the producers themselves, the Board should be empowered, not to allot internal sale quotas in any year, but to take the entire crop of the registered estates into the surplus pool. This recommendation was made with a view to control the crop throughout the year and to secure the full benefit of prices to all registered estates. The Conference also recommended several minor amendments found necessary on administrative grounds. Effect has been given to these amendments in British India by the Coffee Market Expension (Amendment) Act, 1943; and it has become necessary to similarly amend our enactment. The present Bill is intended to secure this object.

The main amendment to which I refer, namely, that the Board need not in any year allot any internal sale quotas,

is found in Clause 8 of our Bill. That is the only amendment to which I should like to invite attention. The other amendments, as I said, are incidental, or are intended to effect improvements as a result of experience gained in the working of the scheme. Certain provisions which have became unnecessary by efflux of time are also proposed to be deleted.

The Bill had the approval of the Representative Assembly and I am sure that the members of the House also will give it their support.

PH.

(As passed by the Legislative Council)

THE MYSORE COFFEE MARKET EXPANSION (AMENDMENT) BILL.

A Bill to amend the Mysore Coffee Market Expansion Act, 1941.

WHEREAS it is expedient to amend the Mysore Coffee Market Expansion Act, 1941, for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. This Act may be called the Mysore Coffee Market Expansion (Amendment) Act, 194 . Short title.

2. To section 1 of the Mysore Coffee Market Expansion Act, 1941 (hereinafter referred to as the said Act) the following sub-section shall be added, namely:— Amendment of section 1, Act XXIV of 1941.

"(3) It shall cease to be in force at the end of the twelve months commencing on the first day of July subsequent to the termination of the present war."

3. In section 2 of the said Act,— Amendment of section 2, Act XXIV of 1941.

(*a*) in clause (*a*) for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted;

(*b*) for clause (i) the following clause shall be substituted, namely:—

"(i) 'owner' includes any agent of an owner, a mortgagee in possession or a lessee";

(*c*) after clause (*m*) the following clause shall be added, namely:—

(*mm*) 'The Act' means the Coffee Market Expansion Act, 1942 (VII of 1942) of the Government of India.

Amendment of section 5, Act XXIV of 1941.

4. In section 5 of the said Act,—

(*a*) in sub-section (1) for the words "before the expiration of one month from the commencement of this Act or" the words "unless it is already registered as required by this sub-section" shall be substituted and the second proviso shall be deleted;

(*b*) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) and before sub-section (3) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Government may, by notification in the Official Gazette, declare that the provisions of sub-section (1) shall apply to persons owning land planted with coffee plants aggregating less than ten acres."

Substitution of new section for section 7, Act XXIV of 1941.

Fixation of prices for sale of coffee.

5. For section 7 of the said Act, the following section shall be substituted, namely:—

"7. (1) The Government may after consultation with the Board, by notification in the Official Gazette, fix the price or prices at which coffee may be sold wholesale or retail in the Indian market.

(2) No registered owner or licensed curer or dealer shall sell coffee wholesale or retail in the Indian market at a price or prices higher than the price or prices fixed under this section."

Amendment of section 8, Act XXIV of 1941.

6. In section 8 of the said Act,—

(*a*) after the words "No registered owner shall" the words "before the estate became subject to the provisions of sub-section (1) of section 5" shall be inserted; and

(*b*) to the portion of the section which precedes the proviso, the following words shall be added, namely:—

"Nor shall a registered owner sell or contract to sell in the Indian market any coffee produced on his estate in any year for which no internal sale quota is allotted to the estate."

7. To section 10 of the said Act, the following words shall be added, namely :— Amendment of section 10, Act XXIV of 1941.

"and no owner of a registered estate shall sell from, and store on, his estate or cause or permit to be sold from, or stored on, his estate any coffee grown on any estate not registered under this Act."

8. In sub-section (1) of section 11 of the said Act, before the words "the Government shall" the words "unless the Government decides that no internal sale quotas shall be allotted" shall be inserted. Amendment of section 11, Act XXIV of 1941.

9. In sub-section (2) of section 12 of the said Act, after the words "The Government may" the words "without prejudice to any penalty to which the said owner is liable under section 21 (*a*)" shall be inserted. Amendment of section 12, Act XXIV of 1941.

10. In section 14 of the said Act,— Amendment of section 14, Act XXIV of 1941.

(*a*) in sub-section (1) after the words "allotted to the estate" the words "or when no internal sale quotas have been allotted to the estates, all coffee produced by the estate" shall be inserted;

(*b*) in sub-section (2) after the words "in such places" the words "at such times" shall be inserted and the words "unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act" shall be omitted;

(*c*) in sub-section (4) after the words "The Board shall" the words "from time to time" shall be inserted;

(*d*) in sub-section (5) the words "before an internal sale quota has been allotted to an estate" shall be omitted;

(*e*) the following sub-section shall be added at the end, namely:—

"(6) When Coffee has been delivered or is treated as having been delivered for inclusion in the surplus pool, the registered owner whose coffee has been so delivered or is treated as having been so delivered, shall retain no rights in respect of such coffee except his right to receive the payments referred to in section 18."

11. In section 17 of the said Act,— Amendment of section 17, Act XXIV of 1941.

(*a*) in sub-section (1) after the words "having regard to the internal sale quota of the estate" the words

"where one has been allotted" shall be inserted and to the end of the sub-section the following sentence shall be added, namely:—

"where no internal sale quotas have been allotted to estates, the curing establishment shall report merely the whole amount of coffee sent in each such consignment";

(*b*) sub-section (2) shall be omitted and sub-sections (3), (4) and (5) shall be renumbered as sub-sections (2), (3) and (4), respectively.

Insertion of new section 21-A in Act XXIV of 1941.

12. After section 21 of the said Act the following section shall be inserted, namely:—

Penalty for contravention of section 12 (1).

"21-A. Any registered owner who fails to furnish the return required by sub-section (1) of section 12 as required by that sub-section shall be punishable with fine which may extend to one thousand rupees."

Insertion of new sections 22-A and 22-B in Act XXIV of 1941.

13. After section 22 of the said Act, the following sections shall be inserted, namely:—

Penalty for contravention of section 14.

"22-A. Any registered owner or licensed curer who fails to deliver any coffee to the Board as required by or under sub-sections (1) and (2) of section 14, shall be punishable with fine which may extend to one thousand rupees and the Court by which such person is convicted may order the confiscation and delivery to the Board of any coffee in respect of which the offence was committed."

Power to seize coffee withheld from inclusion in surplus pool.

"22-B. If the Board is satisfied that any coffee which is required under the provisions of section 14 to be delivered for inclusion in the surplus pool is being or is likely to be disposed of otherwise than by such delivery, the Board may order the seizure of such coffee and may authorise an officer of the Board to effect seizure thereof for delivery for inclusion in the surplus pool and such authorisation shall be sufficient to warrant for such officer to take all steps necessary to secure possession of the coffee."

Amendment of section 24, Act XXIV of 1941.

14. To sub-section (2) of section 24 of the said Act the following proviso shall be added, namely:—

"Provided that the Government may, by notification in the Official Gazette, direct that the previous sanction of the Government shall not be necessary for complaints in such cases or class of such cases as may be specified in the notification."

15. Section 26 of the said Act shall be omitted. Omission of section 26, Act XXIV of 1941.

16. In section 27 of the said Act, after the words "curing establishment" the words "or any place where coffee is stored or exposed for sale" shall be inserted and the words "by the estate" shall be omitted. Amendment of section 27, Act XXIV of 1941.

17. In section 28 of the said Act, the words "to whom an internal sale quota is allotted" shall be omitted. Amendment of section 28, Act XXIV of 1941.

18. For section 29 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 29, Act XXIV of 1941.

"29. All contracts for the sale of coffee in so far as they are at variance with the provisions of this Act shall be void:

Provided that nothing contained in this section shall apply to contracts to which under section 29 of the Emergency Act that Act did not apply."

19. After section 29 of the said Act, the following section shall be inserted, namely:— Insertion of new section 29-A in Act XXIV of 1941.

"29-A. No suit, prosecution or other legal proceeding shall lie against the Board or any officer of the Board or any officer of the Government for or in respect of anything in good faith done or intended to be done under this Act." Bar of legal proceedings.

20. For the words "the Ordinance" wherever they occur the words "the Act" shall be substituted.

21. The Mysore Coffee Market Expansion (Amendment) (Emergency) Act, 1943 (LI of 1943) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act as if this Act has commenced on the 30th day of August 1943. Repeal and Savings.

S. H. Chandrasekharaiya

PRESIDENT,
LEGISLATIVE COUNCIL. 27/12/43

W

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R.L.508/Legis30-43-1 Dated, Bangalore, 14th Jan 1944

Ordered that the accompanying Mysore Coffee Market Expansion (Amendment) Act, 1944

which received the assent of His Highness the Maharaja, on the 10th day of January 1944, be published as Act No. 1 of 1944, in the *Mysore Gazette*, for general information.

Cus

BVR 24.1.44

~~General~~ *Secretary to Government.*

Law Department

BVR 24/1

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2 Copy to the Translation Section

IMMEDIATE.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. D.F.594-40/G&A.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To DEV. DEPT.
GOVT OF MYSORE

Asst Secy

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department.
Dated Bangalore, the 28th Aug. *1941*.

COFFEE MARKET EXPANSION ORDNANCE,
1940.

SIR,

I am directed to refer to my letter No.D.F.594-40/G&A., dated the 26th August 1941, and to say that the Government of India have telegraphed that the Coffee Market Expansion Second Amendment Ordinance will be issued today (28th August 1941) and that it will have immediate effect.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

BJ

NOTIFICATION.

Order No. P. 3190 —Legis. 28-40-1, dated Bangalore, the 21st December 1940.

Ordered that the accompanying Emergency Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means which received the assent of His Highness the Maharaja on the 20th day of December 1940, be published as Act No. XXVIII of 1940, in the *Mysore Gazette* for general information.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

Ie 117 pas Coffee Market Expansion Bill

The Mysore Coffee Market Expansion Bill

~~ACT No. XXVIII OF 1940~~

Whereas the Mysore Coffee Market Expa
(Emergency) Act, 1940, was promulgated on
20th day of December 1940 to provide for
to the Coffee industry by regulating the
coffee from and the sale of coffee in Mys
by other means and was continued by the
Coffee Market Expansion (Emergency) (Con
Act, 1940;

AND Whereas it is expedient to continu
visions contained in the aforesaid Acts

It is hereby enacted as follows:-

~~Section 22 of the Mysore Legislative Council Act, 1923;~~

~~It is hereby enacted as follows:~~

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion ~~(Emergency)~~ Act, 1940.

(2) It extends to the whole of Mysore.

~~(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.~~

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance,

(*b*) "Coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee ~~and~~ uncured coffee, roasted & prepared coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing,

"Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act, 1940 (XXVIII of 1940);

and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*g*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*h*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*k*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*l*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*m*) "year" means ~~the~~ period of twelve months; ~~beginning on the 1st day of July 1940, and ending on the 30th day of June 1941;~~

Provided that the Government may, by notification in the official Gazette, declare that the year for the purposes of any section of this Act which may be specified in the notification shall be fourteen months ending on ~~the 31st day of August, 1941.~~

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, ~~except~~ coffee sold and delivered before the commencement of ~~this~~ Act, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool. Duty of excise.

Payment of proceeds of duty to the Board and manner of realisation by the Board

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payble by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall, ~~before the expiration of one month from the commencement of this Act, or~~ before the expiration of one month from the date on which, ~~after the commencement of this Act~~, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him:

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the

application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. (1) No registered owner shall, after the commencement of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

the Emergency

gtered owner shall sell coffee unless

been cured at or is delivered to the
ough a curing establishement licensed
tion 16, or
sold under and in accordance with the
ns of a licence procured from the
nt under section 15.

Sale of coffee har made.

quota.

commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to

all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, ~~unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act~~, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (i) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

~~(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.~~

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of sections 7, 8, ~~or 9 or 10~~.

20. Any registered owner who sells coffee in contravention of section 7 or section 8 or section 9 ~~or section 10~~ shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who, having control over or custody of any records, fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

the Emergency /

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of ~~this~~ Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept therein.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void:

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

~~MIRZA M. ISMAIL,~~

Dewan.

Repeal and Savings

32. The Emergency Act Continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941 is hereby repealed. But any rules made anything done and any action taken in exercise of any power Conferred by or under the ~~said~~ Emergency Act or the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers Conferred by or under this Act as if this Act had Commenced on the 21st day of December 1946.

Printed by the Superintendent at the Government Press, Bangalore.

ACT No. XXVIII OF 1940.

THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) ACT, 1940.

(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means.)

(Received the assent of His Highness the Maharaja on the twentieth day of December 1940).

PRICE 0-1-0

NOTIFICATION.

Order No. P. 3190 –Legis. 28-40-1, dated Bangalore, the 21st December 1940.

Ordered that the accompanying Emergency Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means which received the assent of His Highness the Maharaja on the 20th day of December 1940, be published as Act No. XXVIII of 1940, in the *Mysore Gazette* for general information.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

ACT No. XXVIII OF 1940.

THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) ACT, 1940.

(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means.)

(Received the assent of His Highness the Maharaja on the twentieth day of December 1940).

WHEREAS the Coffee Market Expansion Ordinance, 1940, has been made and promulgated in British India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India, and by other means;

AND WHEREAS it is necessary to make similar provision in Mysore for assistance to the coffee industry;

NOW THEREFORE in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance,

(*b*) "Coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee and uncured coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing,

and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*g*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*h*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*k*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*l*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*m*) "year" means the period of twelve months beginning on the 1st day of July 1940, and ending on the 30th day of June 1941:

Provided that the Government may, by notification in the official Gazette, declare that the year for the purposes of any section of this Act which may be specified in the notification shall be fourteen months ending on the 31st day of August, 1941.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered before the commencement of this Act, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payble by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him:

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the

application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. (1) No registered owner shall, after the commencement of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

Sale of uncured coffee.

9. No registered owner shall sell uncured coffee (including pounded coffee) direct from an estate except under and in accordance with the provisions of a licence procured from the Government under section 13.

Sale of cured coffee.

10. No registered owner shall sell cured coffee (including pounded coffee) otherwise than through a curing establishment licensed under section 16.

Internal sale quota.

11. (1) The Government shall, as soon as may be after the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to

all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (i) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of sections 7, 8, 9 or 10.

20. Any registered owner who sells coffee in contravention of section 7 or section 8 or section 9 or section 10 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 19 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this act, or who, having control over or custody of any records, fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept therein.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void:

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

Rel 5.5.6

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

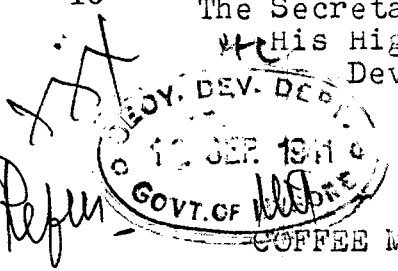
No. D.F.594-40/G & A.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department, Bangalore.



Dated Bangalore, the 15th Septr. *194* 1.

COFFEE MARKET EXPANSION ORDINANCE, 1940.

SIR,

I am directed to refer to my letter No.D.F.594-40/G & A., dated the 28th August 1941 and to invite the attention of the Government of Mysore to the Coffee Market Expansion (Second Amendment) Ordinance, 1941, published in the Gazette of India, Extraordinary, dated the 28th August 1941.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

RNS)

Achin has already been taken on the Tenth of
November. Returned to now. We Bill visit the
places [illegible] in Rom. in October

Sincerely for Herself:

16.9.45 Sincere Thanks

Per Self

WB

16/9/45

ACT No. XXVIII OF 1940.

THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) ACT, 1940.

(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means.)

(Received the assent of His Highness the Maharaja on the twentieth day of December 1940).

PRICE 0-1-0

Whereas the Mysore Coffee Market Expansion (Emergency) Act, 1940 was promulgated on the 20th day of December 1940 to provide for assistance to the Coffee industry by regulating the export of Coffee from and the sale of Coffee in Mysore and by other means and was continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1940

And Whereas it is expedient to continue the provisions contained in the aforesaid Act;

NOTIFICATION

Order No. P. 3190—Legis. 23-40-1, dated Bangalore, the 21st December 1940.

Ordered that the accompanying Emergency Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means which received the assent of His Highness the Maharaja on the 20th day of December 1940, be published as Act No. XXVIII of 1940, in the *Mysore Gazette* for general information.

By Order,

B. T. KESAVIENGAR,
Chief Secretary to Government.

The Mysore Coffee Market Expansion Bill

ACT No. XXVIII OF 1940.

THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) ACT, 1940.

(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means.)

(Received the assent of His Highness the Maharaja on the twentieth day of December 1940).

WHEREAS the Coffee Market Expansion Ordinance, 1940, has been made and promulgated in British India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India, and by other means;

AND WHEREAS it is necessary to make similar provision in Mysore for assistance to the coffee industry;

NOW THEREFORE in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

~~(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.~~

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance,

(*b*) "Coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee and uncured coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing,

"Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act 1941

and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*g*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*h*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*k*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*l*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*m*) "year" means the period of twelve months beginning on the 1st day of July ~~1940~~, and ending on the 30th day of June ~~1941 following~~.

Provided that the Government may, by notification in the official Gazette, declare that the year for the purposes of any section of this Act which may be specified in the notification shall be fourteen months ending on the 31st day of August, 1941.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered ~~before the commencement of this Act,~~ before the estate became subject to the provisions of sub-section (1) of section 5 which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates

5. (1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him:

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the

registered owner shall sell coffee unless [illegible]

a it has been cured at or is delivered to the buyer through nursing establishment licensed under section 16, or

b it is sold under and in accordance with the provisions licence procured from the government under section 13.

(2) If any estate not registered under this Act shall from, or store on his estate or cause or permit to be from or stored on his estate any coffee not grown the estate.

application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. (1) No registered owner shall, ~~after the commencement of this Act~~, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into ~~before the 3rd day of December, 1940~~, and if after the ~~commencement of this Act~~ no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into ~~before the 3rd day of December 1940~~.

Sale of uncured coffee.

9. No registered owner shall sell uncured coffee (including pounded coffee) direct from an estate except under and in accordance with the provisions of a licence procured from the Government under section 13.

Sale of cured coffee.

10. No registered owner shall sell cured coffee (including pounded coffee) otherwise than through a curing establishment licensed under section 16.

Internal sale quota.

11. (1) The Government shall, as soon as may be ~~after the commencement of this Act~~, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to

all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

20. (1) Any registered owner who contravenes the provisions of subsection (2) of section 7, or section ~~7~~ 8 or section 9, any licensed owner who contravenes the provisions of sub section (2) of section 7; and any person who contravenes the provisions of section 9 shall be punishable with fine which may extend to 1000 Rs.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (i) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of sections 7, 8, 9 ~~or 10~~.

20. Any registered owner who sells coffee in contravention of section 7 or section 8 or section 9 ~~or section 10~~ shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this act, or who, having control over or custody of any records, fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

29. Nothing in this Act shall apply to or affect any Contract for the Sale of Coffee entered into

(a) before the 30th day of December 1940 by the owner of a Coffee estate which has been subject to sub-section (1) of section 5 of the Commencement of the Emergency Act, or

(b) before the ~~X th day~~ by the owner of a Coffee estate which became subject to sub-section (1) of section 5 of the Commencement of this Act,

if in the case referred to in clause (a) before the expiration of 21 days from the Commencement of this Act or in the case referred to in clause (b) before the expiration of 21 days from the Commencement of this Act the owner of the Coffee estate or the Exporter who has effected the Contract has furnished the Board

(X date to be filled in take being date of coming into force of the Bill.)

particulars of such Contract, but all Contracts not saved by the Provisions of this section shall, in so far as they are

NESS THE MAHARAJA OF MYSORE
Office of the Secretary,
Representative Assembly and Legislative Council,
Dated, Bangalore, 2nd August 1941.

Memorandum.

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(2) No Court shall take cognizance of an offence, punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of ~~this~~ Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any ~~registered~~ estate or any curing establishment and may require the production for his inspection of any records kept therein, or one for any information relating to purchase, storage, or sale of coffee by the estate.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void:

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

MIRZA M. ISMAIL,
Dewan.

Repeal vide Ordinance

32. The Emergency Act Continued by the Mysore Coffee Market Taxation (Emergency Continuance) Act, 1941 is hereby repealed but any rule made or thing done and any action taken in exercise of powers Conferred by or under the said Emergency Act or the Mysore Coffee Market Taxation (Emergency Continuance) Act, 1941 shall be deemed to have been made done or taken in exercise of powers Conferred by or under this Act as if this Act had Commenced on the 21st December 1940

Printed by the Superintendent at the Government Press, Bangalore.

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4. THE [illegible] MARKET [illegible] BILL.

THE RIGHT HON. SIR JOHN [illegible] explained the general principles of the bill as follows:-

(Here enter the printed statement of principles)

Mr. M. ABDUL AZIZ supported the general principles of the measure. He said that an emergency Act was already in force in the State, but it was extended by Government so as to remain in force after June 1940. The necessity for enforcing the law for some time to come in view of the situation caused by the present war was already explained by the Secretary to Government in the course of his elucidation of the general principles of the Bill. Coffee planters who had already welcomed the emergency measure would similarly agree to the proposed legislation. They were also prepared to extend their hearty co-operation to Government in forcing its provisions in future. But the speaker noticed that in the Bill now placed before the House the Government had proposed certain new provisions not found in the emergency Act already passed and that he and other planters had certain doubts concerning such provisions. He therefore sought permission to refer to them with a view to get them cleared by the Government. For instance in accordance with the understanding arrived at by several Governments at the conference convened by the Commerce Member of the Government of India, estate owners had to get their estates registered. A fee of one rupee had been prescribed for such registration. Even coffee planters owning more than one estate in the Mysore State were expected to pay only one rupee for registration. In some of the districts, the fee of one rupee was demanded in respect of each of the estates proposed for registration whereas in the same year, only one rupee had been collected in respect of more than one estate in another district.

The MINISTER for REVENUE and FINANCE (Rajaratna Sabha K.V. Anantaraman) promised to make enquiries in the matter.

Mr. D.R. PUTTAMANJAPPA acknowledged that the emergency Act had been of considerable benefit to coffee planters when they would have been adversely affected

Coffee Planters Relief.

conditions created by the war. But the protection to coffee planters required on account of war conditions required in an equal measure by some others also. The speaker would therefore have been very glad if the ordinance had been provided for protection to all those who needed it. However, speaking of coffee in particular, he recognised the need for the Bill before the House and had therefore pleasure in supporting it. The necessity for the Bill had been established in the statement of general principles. An emergency Act had been already passed. The time up to which that emergency Act was to be in force was over. The Government therefore proposed that a permanent law should be made. But if the main object of the Bill was to enable the coffee planters to get over the difficult situation created by the war, then necessity for such legislation would cease after the situation changed for the better. If this was so, there was need, not for placing the measure on a permanent footing but to give effect to it only so long as the war situation necessitated it. In this view he proposed the addition of a clause in the Bill to the effect that it would remain in force only so long as there was necessity for it. He did not believe that it was really necessary to pass a law of this kind as a permanent measure. It was not desirable for the Government to have control over estate owners for all time to come. The planters themselves would not agree to a proposal of that kind. He was therefore of opinion that there should be an understanding between Government and Assembly that this law was meant to be in force for the duration of the war and not later than 30th June 1942. Thereafter it should be extended if there was real necessity for it and if similar extension was given in British India also.

Registration was compulsory in respect of estates exceeding 10 acres and unless such estates were registered, the owners thereof were not entitled to the benefits of this

Act. Owners of estates of less than 10 acres in extent were not compelled to register themselves. In other words, the benefit of this Act was not to accrue to such owners. According to clause 10, they were also not permitted to sell or store coffee grown on other estates. This indeed was a hardship to which small planters should not be subjected. With this object in view the speaker suggested that owners of small estate owners must be permitted to register themselves on a voluntary basis. According to clause 7(1) Government could notify the maximum prices at which coffee might be sold within the country. He doubted very much how far a provision like this was called for and would really do good to coffee estate owners. He also felt that a provision like this would not be consistent with the object of the Bill as explained in the preamble. The object was to expand the market open to coffee but defining the maximum price would be not assistance to ~~Government~~ coffee growers, as explained in the preamble but a restriction on estate owners. Again if the Government considered it necessary to define a maximum, it was desirable that a minimum price was also prescribed. In fact more necessary to define the minimum than the maximum. The member then referred to the provision 9(a) under which it was made incumbent for getting coffee cured at the curing establishment. But there was no guarantee whether the curing will be done with equal care in every case. He would have been glad to know whether any special provision was contained in the British Indian Act regarding this point, and incidentally he would suggest that in cases of this kind Government would do well to append corresponding British Indian Act to Bills placed before the Assembly. In the case under reference, he wanted to know what remedy was open to estate owners who had entrusted their coffee to the Board or curing establishment in case that curing establishment failed to take proper care either in preserving that coffee

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or in curing it. He referred to this question because he was not sure in view of rule 4(4) what remedy lay if proper care was not taken of the coffee.

In the next place the bulk of the produce from any given estate would have to be entrusted to the Board for sale. The sale proceeds would reach the estate owner at some future date. Meanwhile the party might be in great need for money. The speaker therefore suggested that on the security of the coffee entrusted to the Board the latter must be empowered to issue loans to the estate owners. These loans might be adjusted later on out of the sale proceeds. In cases of default the Board might be permitted to attach the coffee remaining unsold, as in the case of attachment for arrears of land revenue.

He also requested that the Government or the Board should issue takkavi loans for purposes of paying the land revenue due to Government. Subject to these proposals, he supported the Bill.

Mr.ALFRED LEIBLICH stated that coffee control had been of considerable help to the planters and there was nothing to complain against the proposed bill which was calculated to continue the measures already taken in the interests of the planters. He was very thankful to the Dewan in this connection for all that he had done in the interest of coffee planters in Mysore. But on behalf of the coffee industry he wanted to represent a few minor points for consideration of the Government. One was that as was already suggested by Mr. Puttannanjappa a clause should be put in that the law in question would cease to be in operation after June 1942 or after the repeal of the British Indian enactment ~~xxxxxxxx~~ whichever was later. Secondly under clause 5(1) planters whose gardens were 10 acres or more in extent would be subject to very heavy penalties if they failed to register their estates and in order that the estate owners would not have

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to pay such penalties the member requested the Government to instruct their local officers to advise the planters to register themselves. He also agreed with Mr. Puttanenjappa that ~~xxxxx~~ smaller planters should be permitted to get their estates registered in groups on a voluntary basis. He felt that clause 10 would be more effective if voluntary registration was provided for. He was sorry to say that in a number of cases owners of small estates were sometimes able to sell large quantities of coffee. He was not sure that such owners had themselves produced those large quantities. Complaints of that kind would cease if voluntary registration was provided for.

Mrs. H.S.MADHAVA RAO wanted one point to be clarified viz., how the proposed law was going to help consumers as stated by the Secretary to Government, Development Department.

The PRESIDENT stated that maximum prices were going to be notified by Government so that profiteering by merchants would be prevented.

Mrs. H.S.MADHAVA RAO then asked why maximum prices were proposed to be fixed in respect of only coffee. She was aware that prices of many other articles particularly commodities imported from abroad and even things grown locally such vegetables had gone up beyond all expectations. It was as desirable in all such cases to define the maximum prices. At the same time she was glad to see that certain things were selling cheap even in these days. She feared that the tendency of fixing maximum prices in respect of only particular things would result in the prices of even other articles shooting up. She feared that the special

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protection which the Bill sought to give to the coffee industry was meant to favour European planters in particular.

Srimathi D.SAKARIA observed that the remark of Mrs. Madhava Rao was very uncharitable. It must have been made out of ignorance of the position of the coffee industry.

She said that coffee planters could not be sufficiently grateful to the Government for having proposed this Bill. Coffee planters were incurring untold losses for nearly ten years past. It was only in the previous year that coffee planters' position had somewhat improved and that was altogether due to the Emergency Act passed by Government. The previous speaker asked why prices should be put up. There was no question of putting up prices at all in this case. It was a question purely of giving protection to an industry which had been hit very hard not only on account of war conditions but also on account of failure of rains. Coffee planters in several cases were carrying on the industry only with the help of borrowed capital. In some cases they had to mortgage their crop. There was very little chance of redeeming the crop without the Emergency Act in question. In this view she was glad that Government had now proposed to place the law on a permanent footing. She agreed with Mr. Middleton that owners of estates did not have any idea of the provisions of this Bill. They were not likely to get themselves registered within the stipulated time unless they were specially advised to do so. She therefore suggested that Government must instruct their local officers to give the widest possible publicity to the

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5th day
II turn

provisions of the Bill particularly those relating to registration. And with regard to the proportion of crop to be handed over to the Board or the curing agency she brought to notice that in particular seasons the planters had to incur very heavy expenses on account of labour charges, advances to labour contractors, chemical manure etc. as well as personal expenses including marriages etc. She therefore thought that it was very necessary to make money available for special purposes xxxxxxxxxx of the kind mentioned. The Board must therefore give sufficient advances to planters entrusting a good part of their crop to them, the amount being adjusted out of the sale proceeds. She then referred to the system of work adopted by the Curing Works. The coffee entrusted to this agency would not all have been grown on first-rate lands. Some of it would be of a very poor quality. All these would be cured at the Curing Works and kept for some time. At the end of stated intervals the quality of the coffee would be tested and "points" given according to quality. The difficulty so far as the suppliers were concerned was that even good coffee if kept by for a fortnight would lose in colour and deteriorate as time progressed. The result was that after a month or so it would be very difficult to distinguish between very good and very bad coffee. In the result the price that could be secured by good coffee would be not much better than that quoted for coffee of poorer varieties. She therefore requested Government to instruct Price Fixation Committee to see that the quality of each consignment should be tested and the price thereof fixed within eight days of testing the samples.

Mr. MUKTIAR PATIL RYAVE GOWDA also requested

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5th day
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Government to advise coffee planters individually to register themselves and that a lenient view should be taken in cases of delay on the part of coffee planters in registering themselves.

Mr. M.S.ANNAPPA SETTY referred to clause 28 of the Bill and said that the levy of a fee was not justifiable in the case of registered owners desirous of inspecting the records maintained by the Board. He argued that the Board itself would be run with the help of monies paid by the said owners so that if the latter wanted to see records concerning themselves they ought not to be subjected to any fee.

He also agreed with the previous speakers that there was no necessity to place the proposed law on a permanent basis. If there was real need to extend it beyond June 1942 it might be done after consulting the U.P.A.C.I. He also brought to notice that in certain cases estate owners had been made to pay a registration fee of Re.1/- in respect of each estate and requested that clear instructions should be issued to concerned authorities that only one fee should be levied in the case of each planter irrespective of the number of estates offered for registration. Subject to these observations he also supported the Bill wholeheartedly.

Mr. M/LLE GOWDA also urged that a fee of only Re.1/- should be levied from each registering planter.

MALLE GOWDA said that the Board should make payments to suppliers of coffee at least to the extent of assessment due to Government, since planters could not get it until the sale proceeds were made over to them.

Srimathi D. SAKAMMA brought to notice in this connection that land revenue was being levied by the Coorg Government only on that part of the coffee crop which was sent to the curing works.

Mr. MALLE GOWDA stated that takavi loans were being given formerly but not now. And in cases of delay in payment of land revenue the local officers were levying penal interest on overdue instalments.

The PRESIDENT observed that these were all details which might as well be represented to the Board direct.

Mr. MALLE GOWDA said that the penalties prescribed in clause 20 be reduced by one-half.

Mr. T. SEETHARAMA SASTRY suggested that the provisions of clause 18 would be helpful to the registered owners only if sufficient advances were made to the planters instead of their having to wait for the sale amounts for long periods. He suggested that 50 per cent or 60 per cent of the expected realisation might be advanced in each case. He also suggested that local revenue officers should be instructed to go round and register the estates instead of expecting the estate-owners to go to them and offer themselves for registration. This, he said, would be very helpful to the planters some of whom were ignorant of the provisions of the law in question.

Mr. KADIDAL MANJAPPA GOWDA mentioned that there was a feeling among the planters that, but for this legislation, they would have got better prices for their coffee, and that the Government had proposed this measure for the only reason that a similar legislation had been passed in British India. As regards the price of coffee, he urged that no maximum but a minimum should be fixed. He was of opinion

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that clause 31 delegating all the powers vested in Government under this Act to the Board or Controller of Coffee ~~Mx~~ seemed to him to be not merely unnecessary but positively dangerous.

Before putting the general principles of the Bill to vote, the PRESIDENT explai ed that it seemed to be the opinion of all those who were coffee planters and who had experience of coffee cultivation that the existing scheme should be continued for some time longer. Even originally, Coffee planters, both European and Indian, were unanimous in asking for the introduction of this scheme. But for this unanimity of opinion neither the Government of India nor the ~~Mxxxx~~ Government of Mysore would have enacted a law like this. The total output of coffee grown in India amounted to something like 10,000 to 15,000 tons. Before the war, the bulk of it was being exported to European countries. Owing to war conditions, export was now not possible. If all that quantity were dumped on the local markets, naturally the prices would fall considerably. It was on that acco nt that coffee growers had agreed to form a "pool" so that each producer might be sure of finding a sale at reaso able prices for at least a good part of his produce if possible by exporting it. The excess over that quota was to be delivered to the Board for inclusion in what was known as a "surplus pool". All the planters were agreed that a scheme like this should be introduced. And from the experience gained so far it was evident that prices had actually improved, as a result of the scheme embodied in the bill before the House which as an emergency law was already in force.

The question whether that law should be kept in force only for one year or for a longer time was still under the consideration of the Government of India. Recently the period of legislation had been extended till 1942 in response to the wish of the majority of planters. So far

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as Mysore was concerned, the emergency Act would expire by December 1941; and as there would be no opportunity to consult the Assembly by then, this measure had been brought before the House in this session.

He observed that the points raised by several members he observed that many of them were matters of detail which could not be usefully gone into at present. Referring to the question of registration of owners of coffee estates he said that there was much benefit to be derived from registration. A suggestion had been made by certain members that groups of owners of gardens which were less -than a 10 acres in extent must also have the option of getting themselves registered. He said that opinion of planters would be consulted before a final decision on this point was taken.

As regards prices, only the maximum limit could be defined according to the provisions of the bill. A suggestion had been made that a minimum also should be prescribed. On this point he wished to say that the Government of India regarded it as of supreme importance, that the interests of the consuming public were not affected in any manner by this enactment. Hence even the maximum would be fixed only if the prices showed a tendency to go very high and not in all cases.

It had been urged by some that this legislation should not be placed on a permanent basis. The President agreed with them on that point. This legislation was intended only to meet emergencies that might arise in future, and not to be applied in ordinary circumstances. It might be in ex force only so long as the war lasted or for one or two years after it. But, even though no one wanted that it should be a permanent measure, the fact remained that a time-limit could not be prescribed for it just at present. Moreover, it would be unusual to lay down in a legislative measure that it would have the force of law only till a

particular date. Besides, even if the war comes to a close inthe near future, it would take some time for closing the accounts and winding up the concern in proper manner. It was not therefore desirable to fix a specific date at this stage. It was sufficient to have it as an understanding that Government would have power to repeal the Act partially or wholly, as circumstances demanded.

Another point referred to by some of the members related to differential scales of prices, i.e., grading of coffee according to quality. Among the curers themselves there was no unanimity of opinion on this point. But they had a definite data for differentiating between one grade of coffee and another. They also had regular assessors to fix the prices. Still, it would be very difficult to fix prices satisfactory to the suppliers concerned. That was the reason why representatives from different parts of South India had jointly prepared a table. If it was felt that even that table called for a revision, it might be done at any time.

The next suggestion made was about giving advances to planters. There were practical difficulties in accepting that suggestion. An advance could be obtained by hypothecating the crop. In the British IndianAct, however, there was provision for issuing loans. But as the crop could not all be sold locally, it would be difficult to get the bankers to advance moneys on the security of the crop. To get over this difficulty, the Coffee Control Board had moved the Government of India to place at its disposal a sum of Rs. 15 lakhs for the purpose of granting such advances to the planters,

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the amounts being recoverable in due course. That question was now before the Government of India.

As regards the apprehension expressed by Mr. Puttananjappa that if the pooled coffee were to deteriorate in storage, there was no provision to compensate the planters, the President reminded the House that the whole scheme had been conceived in a truly co-operative spirit and was in the nature of a distress relief. Hence planters should not expect to make even larger profits under this scheme than they were already making. After all, they should bear in mind the history of this special legislation, and how the present unfortunate situation had developed. Foreign markets were practically closed to them; and if the internal market also was unrestricted, the position would be so much the worse for them. It was to regulate and control such a situation that the Bill under discussion was proposed. For these reasons, the PRESIDENT hoped that every one interested in the coffee industry would agree to the general principles of the Bill. It would not be fair or correct to say that it was intended to help the European planters only. The Bill merely registered the wishes of the industry.

The general principles of the Bill were then put to vote and adopted unanimously.

Indian Coffee Market Expansion Board

OFFICE OF THE DEWAN OF MYSORE.
Date of receipt 22.10.41
Patn: Regr. No. S.37

No. 19, Bangalore, dated September 4, 1941

CIRCULAR TO ALL GROWERS

The Coffee Market Expansion Ordinance (No. XIII of 1940) has been extended to 30th June 1942, and all estates of between ten and twenty-five acres now come under the Control Scheme. The States of Mysore, Travancore and Cochin are enacting similar legislation.

2. Registration of Owners—Every estate under coffee having an area of not less than 10 acres whether such area is comprised in one place or more than one place, or in one or more States or Provinces should immediately be registered by the owner or agent of the owner. Registration need not be done over again by estates already registered under Ordinance XIII of 1940. The form of application for Registration may be obtained from the District Collectors in Madras Presidency, the Chief Commissioner in Coorg, the Deputy Commissioners in Mysore, Conservator of Forests in Cochin and the Division Peishkars of Travancore. *An estate is liable to control even before it is actually registered.*

liable to registration.

3. Crop Estimate Return—Every ~~Registered~~ Owner should send by registered post a crop estimate in the form enclosed by 30th September 1941 in the case of estates situated in Madura and Tinnevelly Districts and Travancore State, and by 31st October 1941 by all others.

4. Crop Harvest Returns—Every Registered owner should send crop returns in the enclosed forms for the periods mentioned therein.

5. Curing of Coffee may be done only by licensed firms or individuals. Pulping needs no license. Estates which hull coffee, will on application be given free licenses but may hull only their own coffee. Other curers must maintain the accounts prescribed by the Board.

6. Internal Quota.—Coffee grown on every estate liable to registration will be divided into two parts — the Internal Quota and the Surplus Pool Quota. The percentage will be announced shortly. An estate may sell only its internal quota. The Surplus Pool Quota must be delivered to the Board's Agents in any of the following places :—

1. *Mangalore* :—
   - (*a*) The Jeppo Coffee Works, Mangalore (Messrs, Peirce, Leslie & Co., Ltd.)
   - (*b*) The Maidan Coffee Curing Works, Mangalore (Messrs Peirce, Leslie & Co., Ltd.)
   - (*c*) The Highland Coffee Works, Mangalore, (Messrs. P. F. X. Saldanha & Sons).
   - (*d*) Messrs. Volkart Brothers, Mangalore.
2. *Chikmagalur* :—
   - The Mysore Coffee Curing Works, Ltd., Chikmagalur.
3. *Calicut* :—
   - (*a*) The Mamally Coffee Curing Works, Calicut (Messrs. Peirce, Leslie & Co., Ltd.)
   - (*b*) Messrs. L. R. Rangier Sons, Calicut.
   - (*c*) The Malabar District Co-operative Produce Sales Society, Ltd., Calicut.
4. *Tellicherry* :—
   - (*a*) The Moracoon Coffee Curing Works, Tellicherry (Messrs. Volkart Brothers).

(*b*) The Chonadum Coffee Curing Works, Tellicherry (Messrs. Peirce, Leslie & Co., Ltd.)

(*c*) Pulicoon Coffee Works (Messrs. Aspinwall & Co., Ltd., Tellicherry.)

5. *Coimbatore*

(*a*) Messrs. T. Stanes & Co., Ltd., Coimbatore.

(*b*) The Anupura Coffee Works, Co., Ltd., Coimbatore (Messrs. Peirce, Leslie & Co., Ltd.)

6. *Mysore* :—

The Chamundi Curing Works, Mysore.

The Hunsur Works, Hunsur.

7. *Mettupalayam* :—

The Agent, Indian Coffee Market Expansion Board, Mettupalayam.

8. *Yercaud* :—

The Agent, Indian Coffee Market Expansion Board, Yercaud.

9. *Pattiveeranpatti* :—

The Agent, Indian Coffee Market Expansion Board, Pattiveeranpatti.

10. *Virudhunagar* :—

The Agent, Indian Coffee Market Expansion Board, Virudhunagar.

7. Sale of Coffee—If you wish to sell your coffee yourself you must obtain a license from the Controller of Coffee. It is issued free. If you sell your coffee through a licensed curer or at a licensed curing establishment no license is necessary.

8. Unregistered Estates—No unregistered estate may sell or store coffee not grown by it.

9. Estate Accounts—Every registered owner should keep an account (in any form he pleases) regularly, for inspection by the Board's Officers of :-

(*a*) Daily Crop Pickings — including all types and qualities.

(*b*) Crop despatched to his curer.

(*c*) Crop sold on the Estate.

and (*d*) Crop sent to Surplus Pool.

10. Heavy penalties are provided for breaches of the Control Scheme and will be rictly enforced this year.

Enquiries may be made in person or by post to : —

(*a*) The Controller of Coffee, Asiatic Buildings, Bangalore.

(*b*) The Assistant Controllers of Coffee, (1) Coimbatore, (2) Chickmagalur, (3) Mangalore, (4) Pattiveeranpatti.

(*c*) The Board's Inspectors at Bodinayakanur, Yercaud, etc.

M. P. PAI,
Controller of Coffee,
Indian Coffee Market Expansion Board.

THE POWER PRINTING WORKS, CHICKPET, BANGALORE CITY

DEWAN'S OFFICE
NO M. 336/Secs

No.334(9)-Tr.(IER)/41.
Government of India.
Department of Commerce.

New Delhi, the 2nd September 1941.

Copy forwarded to -

All Provincial Governments.
All Chief Commissioners.
The Department of Supply.
The Defence Co-ordination Department.
The Education, Health and Lands Department.
The Imperial Council of Agricultural Research.
The Finance Department.
The Legislative Assembly Department (for being placed in the Library of the Legislature)
The Political Department (with 10 spare copies for communication to the Political Officers concerned and to the office of His Highness the Chancellor of the Chamber of Princes).
The Central Board of Revenue and all Collectors of Customs, and Collectors of Salt Revenue, Madras and Bombay.
The Economic Adviser to the Government of India, the Secretary Economic Resources Board; The Director General of Commercial Intelligence and Statistics, Calcutta (with one spare copy)
The High Commissioner for India, Trade Department, London.
His Majesty's Senior Trade Commissioner in India, Calcutta.
The Canadian Government Trade Commissioner in India.
The Federation of Indian Chambers of Commerce and Industry.
The Associated Chambers of Commerce of India.
The United Planters Association of South India, Glen View, Conoor.
All other recognised Chambers of Commerce and Associations.
The Secretary, Coorg Planters' Association, Pollibetta, South Coorg.
The Secretary, Mysore Planters' Association, Bangalore.
The Secretary, Mysore Indian Planters' Association, Chickmaglur, Mysore.
The Secretary, Central Travancore Planters' Association, Fair field, Travancore.
The Shevaroy Planters' Association, Yercaud.
The Secretary, Indian Coffee Market Expansion Board, Bangalore.
The Controller of Coffee, Indian Coffee Market Expansion Board, Bangalore.
The Indian Government Trade Commissioners, Osaka, New York, Mombassa, Alexandria and Australia.
All Members of the Indian Coffee Market Expansion Board.
The Legislative Department.

y order, etc.,

Under Secretary to the Government of India.

MS.

PRESS NOTE

COFFEE CONTROL SCHEME

The Coffee Market Expansion Ordinance, 1940, is due to expire on August 31, 1941. Representations have been received from interests concerned that pending legislation Government might extend the ordinance in order to cover any interregnum in the control of the coffee industry.

The Government of India have accordingly today issued an amending Ordinance. The Government of India are at the same time actively pursuing their examination of the question of continuance of the coffee control scheme in consultation with the various interests concerned. If there is a consensus of opinion in favour of continuance, they intend to take up the question of replacing the Ordinance by suitable Legislation, during the coming next session of the Legislature.

Commerce Department
Simla, August 28, 1941

BLS/PNV/T.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

EXPORT CESSES.

Simla, the 23rd August 1941.

No. 334 (11)-Tr. (I.E.R.)|41.—In exercise of the powers conferred by section 48 of the Coffee Market Expansion Ordinance, 1940, (No. XIII of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the Coffee Market Expansion Rules, 1940, namely :—

For sub-rule (*5*) of rule 34 of the said Rules, the following sub-rule shall be substituted, namely :—

" (*5*) The cheque referred to in sub-rule (*4*) and all orders for making deposits or investments or for the withdrawal of the same or for the disposal in any other manner of the funds of the Board shall be signed by the Secretary to the Board or any other officer duly authorised by the Board in this behalf, and if so further directed by the Board, shall be countersigned—

(*i*) by the Chairman or a member or any officer of the Board, or

(*ii*) by the Controller."

S. R. ZAMAN,

Addl. Deputy Secy. to the Govt. of India.

No. 334 (11)-Tr. (I.E.R.)|41.

Copy forwarded to—

All Provincial Governments.

All Chief Commissioners.

The Department of Supply.

The Defence Co-ordination Department.

The Education, Health and Lands Department.

The Imperial Council of Agricultural Research.

The Finance Department.

The Legislative Department.

The Legislative Assembly Department (for being placed in the Library of the Legislature).

The Political Department ; (with 10 spare copies for communication to the Political Officers concerned and to the office of His Highness the Chancellor of the Chamber of Princes).

The Central Board of Revenue and all Collectors of Customs and Collectors of Salt Revenue, Madras and Bombay.

The Economic Adviser to the Government of India ; the Secretary, Economic Resources Board ; The Director General of Commercial Intelligence and Statistics, Calcutta (with one spare copy).

The High Commissioner for India, Trade Department, London.

His Majesty's Senior Trade Commissioner in India, Calcutta.

The Canadian Government Trade Commissioner in India.

The Federation of Indian Chambers of Commerce and Industry.

The Associated Chambers of Commerce of India.

The United Planters' Association of South India, Glen view, Conoor.

All other recognised Chambers of Commerce and Associations.

The Secretary, Coorg Planters' Association, Pollibetta, South Coorg.

The Secretary, Mysore Planters' Association, Bangalore.

The Secretary, Mysore Indian Planters' Association, Chickmaglur, Mysore.

The Secretary, Central Travancore Planters' Association, Fair field, Travancore.

The Shevaroy Planters' Association, Mysore.

The Secretary, Indian Coffee Market Expansion Board, Bangalore (with 10 spare copies).

The Controller of Coffee, Indian Coffee Market Expansion Board, Bangalore.

The Indian Govt. Trade Commissioners, Osaka, New York, Mombasa, Alexandria and Durban.

All Members of the Indian Coffee Market Expansion Board.

By order, etc.,

P. M. MUKERJI.

Asstt. Secy. to the Govt. of India.

H186CD—400—1-9-41—GIPS

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary, Legislative Council,

No. 3718 L.C. / Encl. one.

Bangalore dated....15th..December..1941.

FROM

The Secretary,
Legislative Council,

The Secretary to Government,
Law Department,
Bangalore.

Sir,

I have the honour to forward herewith as required by Standing Order 45 of the Legislative Council Standing Orders, a copy of the Mysore Coffee Market Expansion Bill as passed by the Legislative Council and signed by the President of the Legislative Council for submission to His Highness the Maharaja.

I have the honour to be,
Sir,
Your most obedient servant,

B.K. Ramakrishnaya

Secretary,
Legislative Council.

Pl. cee in the Bill file
15/12/41.

HKR/2.

NOTIFICATION.

No. R. L. 951, *dated Bangalore,*
the 19*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Coffee Market Expansion Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

THE MYSORE COFFEE MARKET EXPANSION BILL.

Statement of objects and reasons.

As a result of the present war, the European markets (with the possible exception of Great Britain) which absorbed about one half of the total quantity of coffee produced in India became practically closed for the export of Indian Coffee. It was feared that the whole crop would be unloaded on the Indian market and the price thereby considerably reduced, a substantial portion remaining unabsorbed. Persons interested in the industry therefore commenced to explore the possibility of controlling the marketing of coffee. Mysore, which accounts for about half the coffee produced in India, was also interested in the solution of this problem.

In September 1940, the Hon'ble the Commerce Member of the Government of India convened a conference at Madras for the purpose of considering the question. The representatives of the Government of Mysore, Madras,

Coorg and Travancore also attended. At that Conference the following tentative conclusions were reached, namely :—

(1) that all estates exceeding a certain acreage should get registered ;

(2) that the owners of registered estates should be allotted a quota for the sale of coffee in the Indian market, depending on the anticipated demand and liable to revision from time to time ;

(3) that coffee produced in excess of the quota should be handed over to a common pool, and that such coffee should be exported or if found more profitable, released for internal sale ;

(4) that the monies realised by sales from the pool should be distributed among those who have contributed to the pool in proportion to their contributions ; and

(5) that the Indian Coffee Cess Committee should be enlarged and invested with requisite powers to function as a Control Board.

The Government of India who were requested to undertake necessary legislation in order to implement these conclusions, promulgated in December 1940 an Ordinance (XIII of 1940) called the Coffee Market Expansion Ordinance. In Mysore also legislation was undertaken by means of an Emergency Act (XXVIII of 1940) in this behalf.

It was expected that the scheme would be tried for a short time and in British India the legislation has been expressed to be for a limited period only. In Mysore the limitation was impliedly provided for by the enactment of emergency legislation whose operation was therefore limited to a period of six months. But as this Emergency Act extended up to June 1940 only, whereas the British Indian Ordinance was expressed to extend up to 31st August 1941, the Emergency Act has been extended by a further period of six months by Act XI of 1941.

As its results have proved beneficial to the industry, it has been proposed to continue the scheme for some time more. In British India by Ordinance VIII of 1941 promulgated on the 28th August 1941, the Coffee Market Expansion Ordinance has been continued up to the 30th day of June 1942 and should the coffee interests so desire, it is likely to be the basis of legislation for a longer period. It has therefore become necessary to take

similar action in Mysore. The present Bill which is modelled on the Emergency Act is intended to secure this object.

THE MYSORE COFFEE MARKET EXPANSION BILL.

WHEREAS the Mysore Coffee Market Expansion (Emergency) Act, 1940, was promulgated on the 20th day of December 1940 to provide for assistance to the coffee industry by regulating the export of coffee from, and the sale of coffee in, Mysore and by other means and was continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941.

AND WHEREAS it is expedient to continue the provisions contained in the aforesaid Acts; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion Act, 19.....

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance;

(*b*) "coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes, other than pulping, for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act, 1941.

(*g*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*h*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*i*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*l*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*m*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*n*) "year" means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June following.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 5, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any

sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 10 acres, whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him :

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

Provided further that the Government may from time to time by notification in the Official Gazette fix any other registrable area whereupon the owner shall become subject to the provisions of this sub-section

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the

procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. No registered owner shall sell or contract to sell in the Indian market coffe from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5 and if, after the estate became so subject, no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5.

Sale of coffee how made.

9. No registered owner shall sell coffee unless either—

(*a*) it has been cured at, or is delivered to the buyer through a curing establishment licensed under section 16 or,

(*b*) it is sold under and in accordance with the provisions of a licence procured from the Government under section 13.

Storage or sale of coffee from un-registered estate.

10. No owner of an estate not registered under this Act shall sell from, or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate.

Internal sale quota.

11. (1) The Government shall, as soon as may be, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such return as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall, upon delivery to the Board, remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall, in accordance with that scale, classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licenses of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of section 7, 8, 9 or 10.

20. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 7, or section 8, or section 9, any licensed curer who contravenes the provisions of sub-section (2) of section 7 ; and any person who contravenes the provisions of section 10 shall be punishable with fine which may extend to one thousand rupees.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

Unlicensed curing establishment.

21. If any curing establishment operates as such withont a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who, having control over or custody of any records, fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Government

or the Board to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has, at the commencement of this Act, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may, on payment of the prescribed fee, obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into,—

(*a*) before the third day of December 1940, by the owner of a coffee estate which has been subject to sub-section (1) of section 5 from the commencement of the Emergency Act, or

(*b*) before 28th day of August 1941 by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of this Act,

if in the case referred to in clause (*a*) before the expiration of twenty-one days from the commencement of the Emergency Act or in the case referred to in clause (*b*) before the expiration of twenty-one days from the commencement of this Act, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Board particulars of such contract, but all contracts not saved by the provisions of this section shall, in so far as they are at variance with the provisions of this Act, be void.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

Repeal and Savings.

32. The Emergency Act continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act or the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 21st December 1940.

Passed by the Legislative Council

S. H. Chandrashekharaiya

15/12/41

President,
Legislative Council

BXR
15.12.41

Printed by the Superintendent at the Government Press, Bangalore

NOTIFICATION.

No. Rl. 1155, *dated Bangalore, the 18th December* 1941.

Ordered that the accompanying Mysore Coffee Market Expansion Act, 1941, which received the assent of His Highness the Maharaja on the 17th day of December 1941, be published as Act No. XXIV of 1941 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government, Law Department.

ACT NO. XXIV OF 1941.

THE MYSORE COFFEE MARKET EXPANSION ACT, 1941.

(Received the assent of His Highness the Maharaja on the 17th day of December 1941).

WHEREAS the Mysore Coffee Market Expansion (Emergency) Act, 1940, was promulgated on the 20th day of December 1940 to provide for assistance to the coffee industry by regulating the export of coffee from, and the sale of coffee in, Mysore and by other means and was continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941.

AND WHEREAS it is expedient to continue the provisions contained in the aforesaid Acts; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion Act, 1941.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance;

(*b*) "coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes, other than pulping, for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act, 1941.

(*g*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*h*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*i*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*l*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*m*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*n*) "year" means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June following.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board,

by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 5, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 10 acres, whether such and is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him :

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

Provided further that the Government may from time to time by notification in the Official Gazette fix any other registrable area whereupon the owner shall become subject to the provisions of this sub-section.

(2) A registration once made shall continue in force until it is cancelled by the registering officer

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Governmen to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. No registered owner shall sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5 and if, after the estate became so subject, no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5.

Sale of coffee how made.

9. No registered owner shall sell coffee unless either—

(*a*) it has been cured at, or is delivered to the buyer through a curing establishment licensed under section 16 or,

(*b*) it is sold under and in accordance with the provisions of a licence procured from the Government under section 13.

Storage or sale of coffee from un-registered estate.

10. No owner of an estate not registered under this Act shall sell from, or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate.

Internal sale quota.

11. (1) The Government shall, as soon as may be, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such return as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and

such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall, upon delivery to the Board, remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall, in accordance with that scale, classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licenses of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in

respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of section 7, 8, 9 or 10.

20. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 7, or section 8, or section 9, any licensed curer who contravenes the provisions of sub-section (2) of section 7 ; and any person who contravenes the provisions of section 10 shall be punishable with fine which may extend to one thousand rupees.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made

under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who, having control over or custody of any records, fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has, at the commencement of this Act, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may, on payment of the prescribed fee, obtain copies of any proceedings or orders of the Board. Inspection of records of the Board and obtaining of copies.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into,— Contracts.

(*a*) before the Third Day of December 1940, by the owner of a coffee estate which has been subject to sub-section (1) of section 5 from the commencement of the Emergency Act, or

(*b*) before 28th day of August 1941 by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of this Act,

if in the case referred to in clause (*a*) before the expiration of twenty-one days from the commencement of the Emergency Act or in the case referred to in clause (*b*) before the expiration of twenty-one days from the commencement of this Act, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Board particulars of such contract, but all contracts not saved by the provisions of this section shall, in so far as they are at variance with the provisions of this Act, be void.

30. The Government may by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of Coffee. Power of delegation.

32. The Emergency Act continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act or the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if, this Act had commenced on the 21st December 1940. Repeal and Savings.

N. MADHAVA RAU,
Dewan.

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